

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DUSA PHARMACEUTICALS, INC.,  
a New Jersey corporation; and  
QUEEN'S UNIVERSITY AT  
KINGSTON, a Canadian academic  
organization,

Civil Action No. 04-12703 NMG

Plaintiffs,

v.

NEW ENGLAND COMPOUNDING  
PHARMACY, INC., a Massachusetts  
corporation,

Defendant.

**FOURTH JOINT MOTION TO EXTEND TIME TO  
RESPOND TO WRITTEN DISCOVERY**

Now come the parties in the above captioned matter and hereby move this Honorable Court to extend the deadline to respond to written discovery until April 3, 2006.

In further support of this motion the parties state as follows:

1. On July 7, 2005, this Honorable Court ordered that all discovery requests be responded to by December 31, 2005.
2. In furtherance of settlement discussion that have been on-going and productive, the parties filed three joint motions to extend the time to respond to written discovery.
3. On January 31, 2006, the parties agreed to request that this deadline be extended to March 3, 2006. Through an error in transmission, the Third Joint Motion to Extend Time to Respond to Written Discovery requested that the Court extend the period to respond to written discovery and file motions to compel until February 21, 2006.

4. The Court approved the Third Joint Motion to Extend Time to Respond to Written Discovery on February 2, 2006.

5. The parties are still actively engaged in settlement discussions and have made considerable progress toward that end. In order to allow the settlement discussions to continue without the distraction of addressing potentially divisive discovery issues, the parties hereby request that the deadline to respond to written discovery be again extend until April 3, 2006.

6. The parties shall also be permitted until April 3, 2006 to file all motions to compel and/or other pleadings arising from written discovery requests.

7. Neither side shall be prejudiced by this extension, and because neither side requests that any other deadlines be extended, granting this motion shall not delay the disposition of this matter.

Respectfully submitted,

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Dated: March 3, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and papers copies will be sent those indicated as non registered participants on March 3, 2006.

/s/Edward J. Naughton

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**ORDER**

**AND NOW**, this \_\_\_\_ day of \_\_\_\_\_, 2006, upon consideration of the Fourth Joint Motion to Extend Time to Respond to Written Discovery, it is hereby **ORDERED** and **DECREED** that the motion is **GRANTED** and the deadline to respond to written discovery be extended until **April 3, 2006**. The parties shall also be permitted until **April 3, 2006** to file all motions to compel and/or other pleadings arising from written discovery requests.

SO ORDERED.

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Nathaniel M. Gorton  
United States District Judge

Dated: \_\_\_\_\_, 2006